

Virginia Board of Nursing

Examples of Reportable and Non-Reportable Conduct

Examples of Reportable Conduct for Nurses

Unprofessional Conduct

Section 54.1-3007(2) of the Code of Virginia

- The mother of a pediatric home health patient reported that the nurse was acting like a member of the family. Specifically, the nurse organized special events for the patient outside of the nursing services she was contracted to provide and doing so without asking or informing the mother beforehand. The nurse came to the patient's house when not scheduled and on one occasion took the patient out of the house when the mother was not present.
- The nurse entered into an inappropriate relationship with a psychiatric patient with whom she visited on her days off and arranged to with on a vacation. On other occasions she regularly hugged and kissed this patient during the course of her care.

Examples of Reportable Conduct (cont.)

Unprofessional Conduct

Section 54.1-3007(2) of the Code of Virginia
and 18 VAC 90-20-300(A)(2)(a)

- The nurse administered to the patient an IM injection of Morphine without a physician's order and without contacting the physician on call.
- The nurse changed p.r.n. medications to standing orders as well as increased the frequency of the administration of the medication.
- The nurse initiated treatment of a decubitus ulcer that was a change in the patient's condition and did not inform the physician for 5 days.

Examples of Reportable Conduct (cont.)

Unprofessional Conduct

Section 54.1-3007(2) of the Code of Virginia and
18 VAC 90-20-300(A)(2)(c)

- On numerous occasions, the nurse diverted Tylenol #3 (Schedule III controlled substance) for her own personal and unauthorized use. An audit of patient records revealed Tylenol #3 had been signed out for patient's who did not request or receive Tylenol #3.
- The nurse administered Phenergan and Nubain, (Schedule VI controlled substances) to another employee while on duty without legal authorization from a physician.

Examples of Reportable Conduct (cont.)

Unprofessional Conduct

Section 54.1-3007(2) of the Code of Virginia and
18 VAC 90-20-300(A)(2)(e)

- On numerous occasions, the nurse recorded on the Controlled Substance Record that she withdrew 100mg injection of Demerol for patients who had orders for 50 mg, but failed to document wastage.
- The nurse failed to include employment with X and Y hospitals, her two most recent nursing employments, on her application for employment as requested in the employment history section of her application.

Examples of Reportable Conduct (cont.)

Unprofessional Conduct

Section 54.1-3007(2) of the Code of Virginia
and 18 VAC 90-20-300(A)(2)(f)

- During the course of her employment as a pediatric home health nurse, the nurse was found asleep on the couch in the home of a ventilator dependent patient while on duty. As a result of this incident, her employment was terminated.
- The nurse left her assigned patients in the middle of her shift and did not return without reporting she was leaving to her supervisor or other nursing staff.

Examples of Reportable Conduct (cont.)

Convictions

Section 54.1-3007(4) of the Code of Virginia

- On x date, in Z court, the nurse was convicted of shoplifting, a misdemeanor.
- On x date, in Z court, the nurse was convicted of assuming a false name, a misdemeanor.
- On x date, in Z court, the nurse was convicted of obtaining drugs by fraud, a felony. Such conviction resulted from the nurse calling in prescriptions for herself while working as an office nurse.

Examples of Reportable Conduct (cont.)

Standard of Care

Section 54.1-3007(5) of the Code of Virginia

- The nurse failed to provide adequate nursing care to patient A, to include a timely nursing assessment and intervention, in response to reports by other staff regarding the patient's deteriorating condition.
- The nurse failed to complete ordered treatments on several patients. However, she documented on the treatment record that these things were done.

Examples of Reportable Conduct (cont.)

Possible Impairment

Section 54.1-3007(6) of the Code of Virginia

- The nurse was noted on duty to have slurred speech, unsteady gait, and alcohol on her breath. A drug screen was ordered for cause, which yielded positive results for alcohol and opiates.
- The nurse was admitted to inpatient psychiatric unit following depressive episode and suicide attempt. By her own admission, she reported having difficulty making decisions and was very emotional at work.
- The nurse self administered IV Demerol while on duty and was noted by coworkers to be frequently missing from the unit on that date.

Examples of Reportable Conduct (cont.)

Action in Another State

Section 54.1-3007(7) of the Code of Virginia

- The license of Nurse X was suspended by North Carolina Board of Nursing on x date.
- The license of Nurse X was placed on probation with terms for 3 years by the Colorado Board of Nursing on x date.

Examples of Reportable Conduct (cont.)

Abuse, Negligent Practice, Misappropriation of Patient Property Section 54.1-3007(8) of the Code of Virginia

- During the course of her private duty nursing care provided to patient A, the nurse obtained access to the patient's checking account and withdrew \$500 from the patient's account. This was done with permission of the patient who was mentally incompetent.
- The nurse inappropriately managed a loud, wheelchair-bound patient by closing her in a linen room with the lights off.

Examples of Reportable Conduct (cont.)

Practicing Without a License

Section 54.1-3008(2) of the Code of Virginia

- The nurse failed to renew her license to practice as a RN which expired on x date. She continued to practice for 6 months without a valid license to practice nursing in Virginia.
- The applicant continued to practice nursing at the hospital for 3 months as a RN Applicant after she received notification that she had failed the NCLEX-RN on x date. During this time she was administering medication and performing treatments requiring a license to practice nursing.

Examples of Reportable Conduct (cont.)

Using RN designation when not licensed.
Section 54.1-3008(4) of the Code of Virginia

- While employed as a RN pending receipt of the licensure examination, the RN Applicant used the designation RN on all documentation.
- The individual was employed as a RN in Virginia prior to applying for licensure. She held a license in another state and did not familiarize herself with Virginia laws and regulations governing practice.

Examples of Reportable Conduct for Licensed Nurse Practitioners

Exceeded Authority as Nurse Practitioner
Section 54.1-3007(2)(5) of the Code of Virginia
and 18 VAC 90-30-220(3)

- The LNP provided care to a high risk obstetrical patient without collaborating with her supervising physician as required by her written protocol.
- The LNP certified as an adult nurse practitioner provided care to a pediatric patient which is outside the standards of practice of her certifying organization and not within her established protocol with her supervising physician.

Examples of Reportable Conduct for Licensed Nurse Practitioners (cont.)

Possible Impairment

Section 54.1-3007(2)(5) of the Code of Virginia
and 18 VAC 90-30-220(5)

- During a surgical procedure, the CRNA was noted to have slurred speech, to be dozing, and did not adequately monitor the patient's vital signs. An audit of the medication revealed excessive amounts of anesthetic agents signed out without corresponding documentation of administration to the patient.

Examples of Reportable Conduct for LNP's with Prescriptive Authority

Exceeded Authority to Prescribe Outside Practice Agreement

18 VAC 90-40-130(1)

- Review of written prescriptions written by the LNP revealed that on numerous occasions she prescribed Schedule II drugs which is outside her authority to prescribe.
- Review of patient records revealed the LNP prescribed steroid medication for patients on several occasions which was not authorized by her practice agreement approved by the Board of Nursing.

Examples of Reportable Conduct for Certified Nurse Aides

Falsification of Records

Section 54.1-3007(1) of the Code of Virginia
and 18 VAC 90-20-360(1)(b)

- On her renewal form, the CNA forged her supervisor's signature verifying she had performed nursing related duties for compensation during the two years prior in order to be eligible for renewal.

Section 54.1-3007(2) of the Code of Virginia
and 18 VAC 90-20-360(2)(c)

- During the course of providing care to a patient in her home, the CNA took insulin syringes from the facility stock without permission for use by a diabetic family member.

Examples of Reportable Conduct for Certified Nurse Aides

Unprofessional Conduct

Section 54.1-3007(2) of the Code of Virginia and 18 VAC 90-20-360(2)(d)

- The CNA documented vital signs for 12 patients on the ADL sheet, when she only obtained vital signs on 2 patients during her shift.
- On an initial application for employment, the CNA indicated her reason for leaving her prior employment at X nursing home was for “better pay”, when in fact her employment was terminated for poor performance.

Section 54.1-3007(2) of the Code of Virginia and 18 VAC 90-20-360(2)(e)

- After accepting her patient assignment, the CNA left the facility prior to the end of the shift without notifying her supervisor that she was leaving.
- The CNA failed to provide care to her assigned patient during her shift at the nursing home. The patient was found soaked in urine and feces.

Examples of Reportable Conduct for Certified Nurse Aides

Convictions

Section 54.1-3007(4) of the Code of Virginia

- On x date, in Z court, the CNA was convicted of grand larceny, a felony.
- On x date, in Z court, the CNA was convicted of credit card theft and forgery, both felonies. Such convictions resulted from misappropriating the credit card from a patient to whom she was providing care.

Examples of Reportable Conduct for Certified Nurse Aides

Standard of Care

Section 54.1-3007(5) of the Code of Virginia

- The CNA independently transferred the patient, who required a two-person transfer according to the care plan, resulting in a patient falling to the floor. She subsequently failed to report the fall to her supervisor.
- In response to a resident's repetitive requests for assistance, the CNA removed the resident's call bell from his reach.

Possible Impairment

Section 54.1-3007(6) of the Code of Virginia

- While on duty, the CNA was noted to smell of alcohol and was slow to respond to call bells. A subsequent for cause drug screen was positive for alcohol.
- The CNA was noted to be anxious, restless, with red-eyes and a runny nose on x date. She was frequently seen to be leaving the building to go to her car during the shift. When confronted about suspicions, the CNA admitted to a cocaine problem

Examples of Reportable Conduct for Certified Nurse Aides

Abuse

Section 54.1-3007(8) of the Code of Virginia

- The CNA deliberately sprayed the resident in the face with water during her shower to quiet the resident who was yelling.
- The CNA made a threatening statement to the resident indicating she would “lay her out” if the resident hit at her again.
- The CNA removed \$20 from the resident’s wallet maintained under his pillow.

Examples of NON-Reportable Conduct

- The licensee failed to report for duty as assigned and did not notify her supervisor at the facility.
- The nurse administered Lasix in error to patient A, when it was ordered for patient B. The physician was notified and patient A experienced no adverse effects. This was a single medication error without patient harm, and the employment record revealed no prior counseling for medication administration issues.
- The nurse administered 50 mg Demerol IV to patient A, when the order was for 100 mg IM. The patient experienced no side effects. This was a single medication error without patient harm, and the employment record revealed no prior counseling for medication administration issues.
- When confronted about a performance issue by her supervisor in her office, the licensee become loud, agitated, cursed and threatened the supervisor.

Examples of NON-Reportable Conduct (cont.)

- When the licensee arrived on duty and did not agree with her assignment, she informed her supervisor she was unwilling to work in what she perceived to be an unsafe environment due to the staffing levels on that shift. She subsequently left the facility.
- When the licensee arrived on duty on her assigned medical unit and was informed she was being “pulled” to the surgical intensive care unit (SICU) for a full patient assignment, she informed her supervisor she did not feel she was adequately trained to work in the SICU in what she perceived to be an unsafe patient care environment. She subsequently left the facility.
- At the end of the licensee’s 3-11 pm shift, she was informed she had to work another 8 hours due to staffing shortage. The licensee refused to stay due to personal reasons and left the facility.